

September 12, 2018



Talbot County Planning Commission

Final Decision Summary

Friday, August 10, 2018 at 9:00 a.m.

Wye Oak Room, Community Center

10028 Ocean Gateway, Easton, Maryland

Attendance:

Commission Members:

John N. Fischer, Jr., Chairman
Paul Spies, Vice Chairman (absent)
William Boicourt
Michael Sullivan
Phillip "Chip" Councill

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Brennan Tarleton, Planner I
Tony Kupersmith, County Attorney
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Fischer called the meeting to order at 9:05 a.m. Commissioner Fischer explained there were only four (4) members of the Commission present and that a tie vote is considered a negative vote. If any applicant chooses they can withdraw without penalty until the next month.

2. Decision Summary Review—June 6, 2018—The Commission noted the following corrections to the draft decision summary:

- a. Line 97, Commissioner Fischer stated he would like to see names of the neighbors who spoke included in the Decision Summary.

**The following neighbor spoke regarding the Talbot Country Club:
Ms. Amanda Mielke of Canterbury Drive.**

- b. Line 100-102, hours of operation for new structure should be stated.

**Mr. McWilliams stated deliveries will be between the hours of 9:00
a.m. and 5 p.m.**

- c. Line 203, After "Commissioners and it was explained that this was a consideration in NextStep190", put in a period and strike remainder of paragraph.

- d. Line 210, include the neighbor's names.

**Susan Dupont; Howard Snyder; Roland Adkins; Doug Jurrius; and
Kathryn Jones, all of Travelers Rest spoke regarding the Underhill
short-term rental.**

- e. Line 245, include the neighbor's names.

**Gregory and Laura Carney; Susan DuPont, all of Travelers Rest
spoke regarding the Carney short-term rental.**

**Commissioner Boicourt moved to approve the draft Planning Commission
Decision Summary for June 6, 2018, as amended. Commissioner Sullivan
seconded the motion. The motion carried unanimously.**

54 **3. Decision Summary Review**—July 3, 2018—The Commission noted the following
55 corrections to the draft decision summary:

- 56 a. Line 135, insert a period after the word home in the second line and delete “which
57 would include the apartment?”. Insert “He asked if the upstairs apartment would
58 be occupied.”
59 b. Line 118, reference to “his” is unclear; insert “Mr. Waters”.

60
61 **Commissioner Sullivan moved to approve the draft Planning Commission**
62 **Decision Summary for July 3, 2018, as amended. Commissioner Boicourt**
63 **seconded the motion. The motion carried unanimously.**
64

65 **4. Old Business**—None.

66
67 **5. New Business**
68

69 Commissioner Fischer expressed surprise the Special Exception application for the
70 Bozman County Store case was before the Commission; in eighteen days the County
71 Council will approve NextStep190 where Bozman will have a zoning designation of
72 Village Hamlet and the General Retail use will be permitted by-right without expense and
73 risk to the applicant. He stated he wanted to ensure the applicant knows they have the
74 right to withdraw their application today.

75
76 Ms. Stockman-Lier stated the proposal was put into place before NextStep190 was even
77 an idea. She stated she would rather present herself today because no approval of
78 NextStep190 is certain until actually done; nothing is guaranteed.
79

- 80 a. Recommendation to Board of Appeals for Special Exception—Bozman Country
81 Store, c/o Debra Stockman-Lier, Contract Purchaser—7980 Quaker Neck Road,
82 Bozman, Maryland 21612 (map 31, grid 16, parcel 112, zoned Village Center),
83 Brett C. Ewing, Lane Engineering, LLC, Agent.
84

85 Mr. Tarleton presented the Staff Report for approval of a Special Exception to
86 allow for the operation of a General Retail use in the Village Center (VC) zoning
87 district at a property to be addressed at 7980 Quaker Neck Road, Bozman,
88 Maryland. According to the *Talbot County Code* Table III-1 a General Retail Use
89 is permitted by Special Exception in the VC zoning district.
90

91 Staff recommendations include:
92

- 93 1. A County Council-adopted Master Plan for the village of Bozman is required
94 prior to the official review and approval of the major site plan for the use in
95 accordance with the *Talbot County Comprehensive Plan*.
96 2. The applicant shall acquire special exception approval from the Board of
97 Appeals for the purpose of establishing a General Retail use on the property
98 zoned Village Center (VC).

- 99 3. The applicant shall take all of the required steps and acquire all necessary
100 approvals, including any additional waivers necessary, required for a Major
101 Site Plan and Landscaping Plan as spelled out in the *Talbot County Code*.
102

103 Mr. Ewing and Debbie Stockman-Lier appeared before the Commission to
104 request a Special Exception to the Board of Appeals. Mr. Ewing stated they are
105 aware of the changes in NextStep190 but there is a settlement date this month and
106 nothing is guaranteed until it happens. So rather than postpone the settlement, sit
107 back and wait idly by with the hopes of waiting for NextStep 190 to go through,
108 he stated, it was decided to move forward and have a discussion with the
109 approving authorities. Mr. Ewing stated this project started in April of this year.
110

111 Ms. Stockman-Lier stated she originally was attempting to purchase the store
112 across the street, but that site was put aside. Commissioner Fischer stated that the
113 discussion between the applicant and the Commission was one of the major
114 reasons they recommended to the County Council to designate Bozman with the
115 VH zoning district.
116

117 Ms. Stockman-Lier said she has been living in France for the past 30 years and is
118 not familiar with the process. She was originally attempting to purchase the
119 property across the street. She wants to feel more confident in the purchase before
120 she signs on the dotted line.
121

122 Mr. Ewing stated they pursued the original Bozman store site and felt it is
123 compatible with the community. This store operated for decades but has been
124 closed for close to a decade. Mr. Ewing noted that the Comprehensive Plan
125 supports the need for small retail stores in the villages. He stated they meet all of
126 the policies in the Comprehensive Plan, save one and that problem is proposed to
127 be taken away with the NextStep190.
128

129 Commissioner Boicourt stated he supports all the reasons for the store but the
130 question is how to move the application through the process. Commissioner
131 Sullivan asked if there are any other similar projects in process.
132

133 Mr. Kupersmith stated that the Comprehensive Plan states a Master Plan is
134 required in certain villages for a major subdivision, a major site plan and a small
135 scale subdivision. NextStep190 acknowledges that requirement but does not go so
136 far as to make an applicant prepare a full master plan.
137

138 Ms. Verdery says the master plan requirement will not go away but it allows
139 individual projects to move forward.
140

141 Mr. Kupersmith stated that once NextStep190 is adopted, if you have a major
142 subdivision, rather than the applicant having to do a Master Plan, they would have
143 to provide the County with a study that answers the questions that a master plan
144 would have to look at.

Ms. Verdery stated the County Council has provided funding to move forward with master plans for certain villages; master plans for Bellevue and Tilghman have already been completed with the next step started to develop a working waterfront zoning district.

Mr. Kupersmith added the special exception request is about authorizing the store use and the site plan will drill down to use location, parking, etc.

Commissioner Fischer asked for public comments.

Mr. Holt stated he would like the Planning Commission to take a favorable look at the project as Ms. Stockman-Lier has made all types of efforts to open the old store; it is in the context of the community, and the community is invested in putting a store there.

Commissioner Boicourt moved the Planning Commission recommend to the the Board of Appeals approval of the Special Exception of the general retail store at 7980 Quaker Neck Road, Bozman, Maryland, with staff conditions 2 and 3 being complied with, and with a note that Bozman be a Village Hamlet to allow this particular store. Commissioner Sullivan seconded the motion. The motion carried unanimously (4-0).

6. Discussions Items

a. Debra Stockman-Lier – Major Site Plan

Mr. Ewing said when they get to the site plan component it will be a major site plan. He stated a couple of waivers will be required, including parking and stormwater management for net impact offsite. He added that the Critical Area Commission said they wanted the applicant to exhaust all other options, including parking waivers. The question, he asked, is whether the business can be successful with the number of parking spaces at four. He stated they felt the number proposed will work with this location, this community, and the type of use with no seating is proposed, as required by the Health Department. Commissioner Councell asked how many spots will need to be waived and will there be a handicapped space. Mr. Ewing answered that three spaces and the handicapped space comprise the four spaces.

Commissioner Councell stated he feels they are going to be successful and asked staff if there are other alternatives to help the applicant with impervious surface. Ms. Verdery stated the applicant could eliminate the full porch and install a pervious deck, but the porch is in keeping with the architecture of the community. Ms. Stockman-Lier stated the old Bozman School used to be on the property and the architecture is mimicking the old school.

191 Ms. Verdery said the Critical Area Commission considers parking to be
192 impervious because it becomes compacted and requires maintenance and there are
193 drainage problems associated with it. Ms. Verdery suggested the Commission
194 share their opinions of the draft site plan with the applicant to help her determine
195 any options.

196
197 Mr. Ewing said there is a statement that is required on all site plans that the
198 Planning Director may require additional parking spaces in the future if deemed
199 necessary.

200
201 Mr. Ewing stated the original SDA has changed through the wet season process
202 and perc testing. He further stated they will have to go through a line revision
203 process to establish the SDA on-site.

204 205 **7. Staff Matters**

206
207 Ms. Verdery stated there is an August 14th public hearing for NextStep190, along with
208 the maps, and for the noise ordinance. The anticipated adoption date will be August 28th.
209 She added there were some tweaks to short-term rentals: some of the discussions were the
210 500-foot separation, number of permits, location of permits, and impacts of short-term
211 rentals in communities. The other topic, she noted was the noise ordinance where there is
212 a proposal to decrease the noise level from 65 dba to 55 dba. Ms. Verdery added that on
213 August 14th the County Council will be introducing Mike Duell, Chief Code Compliance
214 Office and Duane Gottschalk, Alcohol Inspector/Code Compliance Officer.

215
216 Ms. Verdery stated the Harrison Property, which is now the Wylder Hotel, was under the
217 same Court Order as the Harrison property. However, she stated, the Circuit Court has
218 lifted that Order and the owner can have up to 12 events per year and each event requires
219 a temporary use permit. When the new Ordinance comes into effect, she added, the
220 owner can apply for a special exception to be a restaurant with outdoor venue.

221
222 Mr. Salinas stated on August 14th he expects the Council to approve the contract with
223 STR Helper to assist with the monitoring and maintenance of short term rentals. Every
224 night, Mr. Salinas stated, the program will mine 45+ web sites to determine whether they
225 are registered and to provide usage patterns and whether short-term rentals are paying
226 occupancy taxes. He added there will be a 24/7 site for complaint calls which can be
227 forwarded to our Code Enforcement Officer or the ability of citizens to submit written
228 complaints with the potential to upload video, audio or photos. He stated the County
229 Council budgeted funds for that service for a trial of 12 months.

230
231 Commissioner Fischer stated one concern with some of the venues was the issue of bad
232 behavior. He stated hopes we don't lose sight of the real issue; the general issue of people
233 who are uncomfortable with people they don't know and added this is more debilitating
234 than the noise.

Ms. Verdery stated the MACO meeting will be in Ocean City next week and that October 25-26 are the dates for the upcoming Planning Commissioner's conference.

8. WorkSessions

9. Commission Matters

10. Adjournment—Commissioner Fischer adjourned the meeting at 10:01 a.m.

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